

1-1 By: Shine (Senate Sponsor - Buckingham) H.B. No. 1619
 1-2 (In the Senate - Received from the House April 6, 2017;
 1-3 April 19, 2017, read first time and referred to Committee on
 1-4 Natural Resources & Economic Development; May 4, 2017, reported
 1-5 favorably by the following vote: Yeas 11, Nays 0; May 4, 2017, sent
 1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the prosecution and punishment of certain outdoor
 1-23 burning violations.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 382.018, Health and Safety Code, is
 1-26 amended by adding Subsections (f) and (g) to read as follows:

1-27 (f) If conduct that violates a rule adopted under this
 1-28 section also violates a municipal ordinance, that conduct may be
 1-29 prosecuted only under the municipal ordinance, provided that:

1-30 (1) the violation is not a second or subsequent
 1-31 violation of a rule adopted under this section or a municipal
 1-32 ordinance; and

1-33 (2) the violation does not involve the burning of
 1-34 heavy oils, asphaltic materials, potentially explosive materials,
 1-35 or chemical wastes.

1-36 (g) Notwithstanding Section 7.002, Water Code, the
 1-37 provisions of this section and rules adopted under this section may
 1-38 be enforced by a peace officer as described by Article 2.12, Code of
 1-39 Criminal Procedure.

1-40 SECTION 2. Section 7.187(b), Water Code, is amended to read
 1-41 as follows:

1-42 (b) Notwithstanding Section 7.177(a)(5), conviction for an
 1-43 offense under Section 382.018, Health and Safety Code, is
 1-44 punishable as:

1-45 (1) a Class C misdemeanor if the violation is a first
 1-46 violation and does not involve the burning of heavy oils, asphaltic
 1-47 materials, potentially explosive materials, or chemical wastes
 1-48 [waste is not a substance described by Subdivision (3)];

1-49 (2) a Class B misdemeanor if the violation is a second
 1-50 or subsequent violation and:

1-51 (A) the violation does not involve the burning
 1-52 of:

1-53 (i) substances described by Subdivision
 1-54 (1); or

1-55 (ii) insulation on electrical wire or
 1-56 cable, treated lumber, plastics, non-wood construction or
 1-57 demolition materials, furniture, carpet, or items containing
 1-58 natural or synthetic rubber; or

1-59 (B) the violation involves the burning of
 1-60 substances described by Paragraph (A)(ii) and none of the prior
 1-61 violations involved the burning of substances described by

2-1 Subdivision (1) or Paragraph (A)(ii) [~~under Subdivision (1)~~]; or
 2-2 (3) a Class A misdemeanor if the violation:
 2-3 (A) involves the burning of substances described
 2-4 by Subdivision (1); or
 2-5 (B) is a second or subsequent violation and
 2-6 involves the burning of substances described by Subdivision
 2-7 (2)(A)(ii) and one or more of the prior violations involved the
 2-8 burning of substances described by Subdivision (1) or (2)(A)(ii)
 2-9 [~~tires, insulation on electrical wire or cable, treated lumber,~~
 2-10 ~~plastics, non-wood construction or demolition materials, heavy~~
 2-11 ~~oils, asphaltic materials, potentially explosive materials,~~
 2-12 ~~furniture, carpet, chemical wastes, or items containing natural or~~
 2-13 ~~synthetic rubber].~~

2-14 SECTION 3. The change in law made by this Act applies only
 2-15 to an offense committed on or after the effective date of this Act.
 2-16 An offense committed before the effective date of this Act is
 2-17 governed by the law in effect on the date the offense was committed,
 2-18 and the former law is continued in effect for that purpose. For
 2-19 purposes of this section, an offense was committed before the
 2-20 effective date of this Act if any element of the offense occurred
 2-21 before that date.

2-22 SECTION 4. This Act takes effect September 1, 2017.

2-23 * * * * *